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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,471	01/09/2002	Kia Silverbrook	AP15US	2556
24011	7590	07/27/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD			PARK, CHAN S	
393 DARLING STREET			ART UNIT	
BALMAIN, NSW 2041			PAPER NUMBER	
AUSTRALIA			2625	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,471

Applicant(s)

SILVERBROOK ET AL.

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/17/06 has been entered. Currently, **claims 1-3 and 5-14** are pending.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-3 and 5-14** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 1 is objected to because of the following informalities:
Line 4, "in-built printer" should be -- built-in printer --; and
Line 4, "an enhanced image" should be -- the enhanced image --.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agata et al. U.S. Patent No. 5,443,320 (hereinafter Agata) in view of Bhargava et al. U.S. Patent No. 6,072,586 (hereinafter Bhargava).

4. With respect to claim 1, Agata discloses a digital photo album including a body portion, image display means for electronically displaying an image, built-in printer means within said body portion for printing the image (col. 2, lines 35-40) wherein said image display means is pivotably connected to the body portion about a hinge joint and wherein the image display means pivots between a closed position in which the image display means lies adjacent the body section and an open position in which the image display means is visible to a user (figs. 2 & 3).

It is noted that storing and displaying the digital images in the laptop computer is well known in the art.

Agata, however, does not explicitly disclose whether the digital photo album includes means for enhancing an image, displaying the enhanced image and selecting the enhanced image.

Bhargava, the same field of the personal computer art, discloses the step of enhancing an image (col. 2, lines 53-59 & col. 3, lines 5-14), displaying the enhanced image and selecting the enhanced image (col. 3, lines 21-24).

Furthermore, to one of ordinary skill in the art at the time of the invention, enhancing, displaying and selecting the digital image for printing is well known in the art.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the enhancing, displaying and selecting the digital image of Bhargava into the laptop computer of Agata.

The suggestion/motivation for doing so would have been to provide the image enhancement capability to the laptop system for the immediate printing of the enhanced image.

Therefore, it would have been obvious to combine Agata with Bhargava to obtain the invention as specified in claim 1.

5. With respect to claim 2, Bhargava discloses the digital photo album, wherein the image is enhanced in accordance with a pre-programmed set of characteristics (col. 4, lines 15-35).

6. With respect to claim 3, Bhargava discloses the digital photo album, wherein the pre-programmed set of characteristics is stored on a removable medium, said digital photo album further including means for retrieving said set of characteristics from said removable medium (col. 2, lines 30-36).

7. With respect to claim 5, read col. 3, lines 4-5 of Bhargava.

8. With respect to claim 6, read col. 2, lines 35-40 of Agata.

9. With respect to claim 7, Agata discloses the digital photo album, but it does not disclose explicitly that the body includes a releasable cover portion through which a portion of said printer means including said print media and/or an ink cartridge can be removed. However, Examiner takes an Official Notice that having a releasable cover portion for removing or replacing the ink cartridge of the printing system is well known in the art at the time of the invention. Conventionally, the cover is included to replace the empty cartridge with a new one. Since Examiner takes an Official Notice, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain the invention as specified in claim 7 in view of Agata.

10. With respect to claim 8, read col. 3, lines 49-68 of Agata.

11. With respect to claim 9, refer to figs. 6 & 12 of Agata.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Agata and Bhargava as applied to claim 1 above, and further in view of Haneda U.S. Patent No. 6,016,184.

12. With respect to claim 10, the combination discloses the digital photo album of claim 1, but it does not disclose expressly that the size of a displayed image and the size of a printed image printed by said printer means are substantially equal.

Haneda, the same field of endeavor of the digital photo printing art, discloses a digital photo album (filing system of fig. 1) comprising a printer for printing a digital image, a display for displaying the image and a storage for storing the image wherein

the size of a displayed image and the size of a printed image printed by the printer are substantially equal (col. 12, lines 12-20; lines 27-31; and lines 56-64).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the displaying means of Haneda into the digital photo album of the combination.

The suggestion/motivation for doing so would have been to provide an accurate size of the digital image to be printed before the printing process.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 10.

13. With respect to claim 11, Examiner notes that the size of a conventional photo output medium is 6" X 4". Read col. 8, lines 56-65 of Haneda.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Agata and Bhargava as applied to claim 1 above, and further in view of Silverbrook WO Publication No. 00/23279.

14. With respect to claim 12, the combination discloses the digital photo album of claim 1, but it does not disclose expressly that the printer means includes monolithic pagewidth printhead.

Silverbrook, the same field of endeavor of the digital photo printing art, discloses a printer including monolithic pagewidth printhead (page 33).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the monolithic pagewidth printhead of Silverbrook into the digital photo album of the combination of Agata and Bhargava.

The suggestion/motivation for doing so would have been to provide a suitable printhead for the camera photoprinting.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 12.

15. With respect to claim 13, Silverbrook discloses that the printhead is an ink jet printhead (page 34).

16. With respect to claim 14, Silverbrook discloses that the printhead is substantially 4" wide (page 33).


Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DOUGLAS Q. TRAN
PRIMARY EXAMINER



csp
July 21, 2006

Chan S. Park
Examiner
Art Unit 2625

